| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/609,633 | 07/01/2003 | Eric Wisniewski | Q75615 | 4950 |

| | | |
|---|---|---|
| 23373 7590 11/15/2005 | | EXAMINER |
| SUGHRUE MION, PLLC | | NGUYEN, KHAI MINH |
| 2100 PENNSYLVANIA AVENUE, N.W. | | |
| SUITE 800 | ART UNIT | PAPER NUMBER |
| WASHINGTON, DC 20037 | 2687 | |

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | Application No. | Applicant(s) |
|---|---|---|
| **Office Action Summary** | 10/609,633 | WISNIEWSKI ET AL. |
| | **Examiner** | **Art Unit** | |
| | Khai M. Nguyen | 2687 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *13 September 2005*.

2a)☒ This action is **FINAL**.    2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-8* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All  b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

## DETAILED ACTION

### *Response to Amendment*

1.      This Office Action is response to Amendment filed on 9/13/2005.

Claims 1-8 are pending.

### *Response to Arguments*

2.      Applicant's arguments with respect to claims 1-8 have been considered but are

moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

3.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Niklasson (U.S.Pub-20030179772) in view of Hirsch (U.S.Pub-2003016537).

Regarding claim 1, Niklasson teaches method for providing service management

to network elements of a cellular communication network (fig.1, paragraph 0022,

element 1, *first communication network 1 is a mobile telephone network*), said network

elements communicating center of said cellular communication network by sending data

having a data exchange format (paragraph 0004-0005), said data exchange format

being translated in an Operation and Maintenance Center specific data format at a

mediation server (fig.1, element 510 server, paragraph 0004-0006, 0039), wherein said

method comprises:

identifying at said mediation server a change in said used data exchange format

from a first data exchange format to a second data exchange format;(fig.1, element 510

(server, paragraph 0010-0011, 0034, *converting the processed information in a format*

*of a target communication network as well as switching and transmitting the information*

*to the target communication network*),

dynamically switching from first data exchange format to said second identified

data exchange format (fig.1, element 510 server, paragraph 0007, 0010-0011, 0034,

*transmitting the converted information to a particular service processing unit and*

*processing the information in a predetermine manner, converting the processed*

*information in a format of a target communication network as well as switching and*

*transmitting the information to the target communication network*)

Niklasson fails to specifically discloses the network elements communicating

with an Operation and Maintenance Center of the communication network. However,

Hirsch teaches a method for updating proprietary information at the nonproprietary

OMC/NMC interface in a mobile radio network, and Hirsch also teaches the network

elements communicating with an Operation and Maintenance Center of the

communication network (fig.1, paragraph 0033, 0036). Therefore, it would have been

obvious to one of ordinary skill in the art at the time the invention was made to use the

network elements communicating with an Operation and Maintenance Center of the

communication network as taught by Hirsch with Niklasson teaching in order to provides

for updating of in particular, proprietary information at the network management center

NMC without using equipment-related object classes.

Regarding claim 2, Niklasson and Hirsch further teaches method according to

claim 1, wherein it further comprises the steps of:

representing said data exchange format in an object oriented program (see

Niklasson, fig.1, paragraph 0034-0035, see Hirsch, fig.4, paragraph 0059-0060), and

dynamically uploading the class using the Java programming language to switch

from said firs data exchange format to said second identified data exchange format

(paragraph 0006, 0011, 0034, 0079, *transmitting the converted information to a*

*particular service processing unit and processing the information in a predetermine*

*manner, converting the processed information in a format of a target communication*

*network as well as switching and transmitting the information to the target*

*communication network,* see Hirsch, fig.4, paragraph 0059-0060).

Regarding claim 3, Niklasson and Hirsch further teaches the method according to

claim 1, wherein the method further comprises:

selecting one out of a plurality of mediation servers for handling information from

at least one of said network elements according to a predefined load balancing policy

(see Niklasson, fig.1, paragraph 0034-0035, see Hirsch, paragraph 0033, 0036).

Regarding claim 4, Niklasson and Hirsch further teaches method according to

claim 1, wherein said data exchanged between said at least one of said network

element and said Operation and Maintenance Center contains a new software version

download from the Operation and Maintenance Center to said at least one of said

network element (see Niklasson, paragraph 0006-0008, see Hirsch, paragraph 0059-

0060).

Regarding claim 5, Niklasson teaches a mediation server used for translating a

first data exchange format used by a network element of a cellular communication

network to a second data exchange format used by an center specific data format (fig.1,

paragraph 0004-0006, 0022, element 1, *first communication network 1 is a mobile

telephone network*); wherein said mediation server comprises:

means for identifying a change from said first data exchange format to said

second data exchange format (fig.1, element 510 (server, paragraph 0010-0011, 0034,

*converting the processed information in a format of a target communication network as

well as switching and transmitting the information to the target communication network*);

means for dynamically switching from said first data exchange format to said

second identified data exchange format (fig.1, element 510, paragraph 0007, 0010-

0011, 0034, *transmitting the converted information to a particular service processing*

*unit and processing the information in a predetermine manner, converting the*

*processed information in a format of a target communication network as well as*

*switching and transmitting the information to the target communication network).*

Niklasson fails to specifically discloses the network elements communicating with

an Operation and Maintenance Center of the communication network. However, Hirsch

teaches a method for updating proprietary information at the nonproprietary OMC/NMC

interface in a mobile radio network, and Hirsch also teaches the network elements

communicating with an Operation and Maintenance Center of the communication

network (fig.1, paragraph 0033, 0036). Therefore, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to use the network elements

communicating with an Operation and Maintenance Center of the communication

network as taught by Hirsch with Niklasson teaching in order to provides for updating of

in particular, proprietary information at the network management center NMC without

using equipment-related object classes.

Regarding claim 6, Niklasson teaches the mediation server according to claim 5,

wherein said means for dynamically switching from said first data exchange format to

said second identified data exchange format uses the Java programming language (see

Niklasson, paragraph 0006, 0011, 0034, 0079, *transmitting the converted information to*

*a particular service processing unit and processing the information in a predetermine*

*manner, converting the processed information in a format of a target communication*

*network as well as switching and transmitting the information to the target*

*communication network,* see Hirsch, paragraph 0059-0060).

Regarding claim 7, Niklasson teaches the mediation server according to claim 5,

wherein the mediation server is a software component part of said Operation and

Maintenance Center (see Niklasson, fig.1, element 510, paragraph 0039-0041, 0079,

see Hirsch, paragraph 0059-0060).

Regarding claim 8, Niklasson teaches the mediation server according to claim 5,

wherein the mediation sever is a software component on a standalone device

connectable to said Operation and Maintenance Center (see Niklasson, fig.1, abstract,

paragraph 0022, 0034, see Hirsch, paragraph 0059-0060).

### Citation of pertinent Prior Art

4.      This prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

**Sayko** (U.S.Pat-6418210) discloses Method and apparatus for providing information between a calling network and a called network.

**Placho et al.** (U.S.Pat-6917818) discloses Method for controlling switching-oriented actions in a mobile radio telephone system and such a mobile radio telephone system.

**Hitchings, Jr.** (U.S.Pat-6594484) discloses Automated access by mobile device to automated telephone information services.

**McIntosh et al.** (U.S.Pat-6535732) discloses Cellular network having a concentrated base transceiver station and a plurality of remote transceivers.

**Thomas et al.** (U.S.Pub-20020103010) discloses Network management system and method of management control in a communication system.

**Handel et al.** (U.S.Pub-20030007624) discloses Central administration of a call center.

**Ganesan et al.** (U.S.Pat-6658250) discloses System and method for a wide area wireless personal communication system incorporating advanced messaging.

**Kawano et al.** (U.S.Pat-6564052) discloses Wireless local loop system and method for wireless link control.

*Conclusion*

5.      Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Khai M. Nguyen whose telephone number is

571.272.7923. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Lester Kincaid can be reached on 571.272.7922. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval (PAIR) system. Status information for
published applications may be obtained from either Private PAIR or Public PAIR.
Status information for unpublished applications is available through Private PAIR only.
For more information about the PAIR system, see http://pair-direct.uspto.gov. Should
you have questions on access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free).

SONNY TRINH
**PRIMARY EXAMINER**

Khai Nguyen
Au: 2687

11/3/2005